

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

AMERICAN IMAGING SERVICES, INC.,

Plaintiff,

v.

AUTODESK, INC.,

Defendant,

Civil Action No. 3:09-CV-733-M

AUTODESK, INC.,

Counterplaintiff,

v.

AMERICAN IMAGING SERVICES, INC.,

Counterdefendant.

**STIPULATION**

Plaintiff-Counterdefendant American Imaging Services, Inc. and Defendant-Counterplaintiff Autodesk, Inc. hereby stipulate and agree that pursuant to the parties' meet and confer discussions on February 23, 2011 and March 2, 2011, Plaintiff is on notice as to all matters discussed in its 30(b)(6) depositions and the deposition of William Opincar as additional grounds for Autodesk's counterclaims and affirmative defenses of inequitable conduct, unclean hands, and laches as though such matters were specifically pleaded in accordance with *Exergen Corp. v. Wal-Mart Stores, Inc.*, 575 F.3d 1312 (Fed. Cir. 2009). The parties further stipulate and agree that Autodesk may assert such matters in dispositive motions or at trial without the need to further amend Autodesk's First Amended Answer and Counterclaim on file, (Doc. No. 30).

American Imaging Services, Inc. reserves the right to object to Autodesk's use of any such matters in dispositive motions or at trial on any additional grounds other than lack of notice or under Fed. R. Civ. P. 9 or 12.

Dated: March 7<sup>th</sup>, 2011.

Respectfully submitted,

By: /s/ Todd Blumenfeld

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2011 a true and correct copy of the foregoing document was submitted to the Clerk of Court for the U.S. District Court, Northern District of Texas, using the CM/ECF system, and was served upon all counsel that have appeared in this case through this Court's electronic case filing system.

/s/ Brett C. Govett

Brett C. Govett